

1 DENNIS J. HERRERA, State Bar #139669
2 City Attorney
3 KRISTEN A. JENSEN, State Bar #130196
THOMAS S. LAKRITZ, State Bar #161234
4 VICTORIA WONG, State Bar #214289
Deputy City Attorneys
5 City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
6 San Francisco, California 94102
Telephone: (415) 554-6547
Facsimile: (415) 554-4747
E-Mail: tom.lakritz@sfgov.org

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8 Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

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11 UNITED STATES DISTRICT COURT
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13 NORTHERN DISTRICT OF CALIFORNIA

14 METRO FUEL LLC, a Delaware limited
liability company,

15 Plaintiff,

16 vs.

17 CITY OF SAN FRANCISCO, a municipal
corporation, COUNTY OF SAN
18 FRANCISCO, a subdivision of the State
of California, CITY AND COUNTY OF
SAN FRANCISCO, a chartered California
city and county and DOE 1 through DOE
19 10,

20 Defendants.

21 Case No. C07-6067 JSW

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28 **STIPULATION AND [PROPOSED]
ORDER**

1 WHEREAS, the Plaintiff in this action filed a motion for a preliminary injunction on July 18,
2 2008; and

3 WHEREAS, Defendants have asserted that they need to take certain discovery before they can
4 file their opposition to Plaintiff's motion for a preliminary injunction; and

5 WHEREAS, the Court directed the parties to meet and confer on or before August 8, 2008
6 and to advise the Court whether the parties were able to agree to a schedule for the briefing of
7 Plaintiff's preliminary injunction motion; and

8 WHEREAS, the parties have met and conferred as directed and have agreed to enter into
9 certain stipulations and have agreed on a briefing schedule for Plaintiff's preliminary injunction
10 motion; and

11 WHEREAS, the parties have agreed to the terms of a Stipulated Protective Order, which is
12 being filed simultaneously herewith for the Court's review and execution;

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14 NOW, THEREFORE, it is hereby STIPULATED, AGREED, and ORDERED as follows:

15 1. Defendants shall file their opposition to Plaintiff's preliminary injunction motion on or
16 before August 29, 2008;

17 2. Defendants also shall file their motion for judgment on the pleadings (which
18 previously was due on August 15) on or before August 29, 2008;

19 3. Plaintiff shall file (a) its reply in further support of its motion for a preliminary
20 injunction and (b) its opposition to Defendants' motion for judgment on the pleadings on or before
21 September 12, 2008;

22 4. Defendants shall file their reply in further support of their motion for judgment on the
23 pleadings on or before September 19, 2008; and

24 5. The parties shall appear before the Court for a hearing on these motions on Friday,
25 November 7, 2008 at 9:00 a.m.

DATED: August 6, 2008

DENNIS J. HERRERA
City Attorney

By: /s/
THOMAS S. LAKRITZ

Attorneys for Defendant CITY AND COUNTY OF SAN FRANCISCO

DATED: August 6, 2008

EMERY CELLI BRINCKERHOFF & ABADY LLP

By: _____ /s/
ERIC HECKER

Attorneys for Plaintiff METRO FUEL, LLC

IT IS SO ORDERED:

DATED: _____ By: _____
THE HONORABLE JEFFREY S. WHITE